



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

# License for Diversion and Use of Water

Notice of Assignment (Over)

LICENSE 1007

PERMIT 2322

APPLICATION 3689

THIS IS TO CERTIFY, That Estate of Louis V. Olcese, Bakersfield, California  
has made proof to the satisfaction of the Division  
of Water Resources of California of a right to the use of the waters of Sand Flat or Dry Creek in Mono  
County

tributary of Dry Creek and Mono Lake Watershed

for the purpose of stockwatering and domestic uses  
under Permit 2322 of the Division of Water Resources and that said right to the use of said waters has  
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources  
and the terms of the said permit; that the priority of the right herein confirmed dates from October 24, 1923;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed fifteen thousand (15,000)  
gallons per day or approximately twenty-three thousandths (0.023) cubic foot per  
second from about June 1st to about November 1st of each season.

The point of diversion of such water is located thirty-seven hundred ninety-three (3793)  
feet North and twenty-four hundred twenty-four (2424) feet East from the South-  
west corner of Section 10, T 1 S, R 28 E, M.D.B. & M., being within the SE<sup>1</sup> of  
the NW<sup>1</sup> of said Section 10.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within the SE<sup>1</sup> of the NE<sup>1</sup> of Section 7, T 1 S, R 28 E, M.D.B. & M.  
" " SE<sup>1</sup> of the NE<sup>1</sup> of " 2, T 1 S, R 27 E, M.D.B. & M.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of  
diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public

Works of the State of California, this 19  
day of March, 1931

EDWARD HYATT  
State Engineer

By Harold Conkling  
Deputy



10/21/43

RECEIVED NOTICE OF ASSIGNMENT TO

Victory Olcese, Minnie  
O. Stoakes, Estate of Jennie Caiazza,  
Zeta O. Harper, Josephine O. Hamilton,  
H. E. Braucht, Margaret D. Olcese,  
Olcese Kramer, Elsie A. Simonson,  
Rosalinda O. Ricconi, V. G. Preston

10/17/45

RECEIVED NOTICE OF ASSIGNMENT TO

Inyo Lumber Co.

11/15/51

RECEIVED NOTICE OF ASSIGNMENT TO

United States Inyo National  
Forest.

LICENSE 1007

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Estate of Louis V. Olcese

DATED March 19, 1931

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

ORDER

APPLICATION 3689

PERMIT 2322

LICENSE 1007

ORDER SETTING ASIDE ORDER REVOKING LICENSE

It appearing on November 9, 1954, an order was made by the State Engineer, by Harvey O. Banks, Assistant State Engineer, revoking License 1007 without prejudice upon the records of the Department upon request for and on behalf of licensee;

It further appearing that the request for revocation of the license was submitted erroneously in the belief that the license referred to another project;

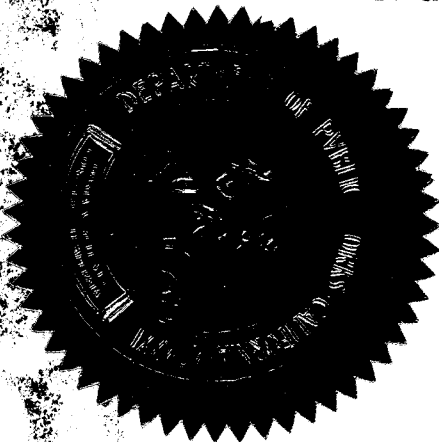
It further appearing that a request has been received for and on behalf of licensee for reinstatement of the license for the reason that the project is in fact in continuous use;

NOW THEREFORE, it is hereby ORDERED that said order of November 9, 1954, entitled ORDER REVOKING LICENSE be, and the same is hereby set aside and annulled; and it is further ORDERED that said License 1007 be, and the same is hereby reinstated in good standing upon the records of the Department.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 18 day of April 1955.

A. D. EDMONSTON, STATE ENGINEER

By Harvey O. Banks  
Harvey O. Banks  
Assistant State Engineer



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

ORDER

APPLICATION 3689

PERMIT 2322

LICENSE 1007

ORDER REVOKING LICENSE

On September 15, 1954, there was received for and on behalf of licensee a request that License 1007, issued in the matter of Application 3689, be revoked.

IT IS THEREFORE ORDERED that said license be and the same is hereby revoked and canceled, without prejudice, upon the records of the Department.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 9th day of November, 1954.

A. D. EDMONSTON, STATE ENGINEER

By

Harvey O. Banks  
Harvey O. Banks  
Assistant State Engineer

